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T-D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/202,500 03/24/99 HAYNS

A HAYNS=1

001444 IM22/0213
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

EXAMINER

CINTINS, I

ART UNIT	PAPER NUMBER
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1724

DATE MAILED:

02/13/01

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/202,500

Applicant(s)
Hayns

Examiner
Ivars C. Cintins

Group Art Unit
1724



☒ Responsive to communication(s) filed on Nov 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 10-13 and 18-29 is/are pending in the application.

Of the above, claim(s) 24-29 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-13 and 18-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Applicant's election with traverse of Group I, claims 10-13 and 18-23 (originally claims 1-6 and 10-13), in Paper No. 13 is acknowledged. The traversal is on the grounds that there is a patentable special feature linking the three inventions. This is not found persuasive because the special feature linking the three inventions is the filter material, which filter material does not provide a contribution over the prior art, as evidenced by Yoshioka et al. The requirement is still deemed proper and is therefore made FINAL. Claims 24-29 are withdrawn from further consideration, as being directed to non-elected inventions.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshioka et al (U.S. Patent No. 4,405,408). The reference discloses (see col. 3, lines 30-31; and col. 10, lines 30 and 32) a paper sheet of the type recited; and this paper sheet is structurally and patentably indistinguishable from the recited "filter material". Applicant should note that the intended use of a material (i.e. as a filter) is not a product

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limitation, and hence cannot be relied upon to patentably distinguish product claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 11, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. The reference discloses the claimed invention with the exception of the physical form of the carboxylic acid (claim 10), the source of the cellulosic material employed (claims 11 and 23), and the type of mixing device used (claim 13). However, the exact physical form of the carboxylic acid, its source, and the exact type of mixing device utilized to combine the components of the reference product are not seen to materially affect the overall properties of this reference product, or to produce any new and unexpected result, and are therefore deemed to be obvious matters of choice, insufficient to patentably distinguish the claims.

Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al in view of Isgur et al

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(U.S. Patent No. 4,182,649). The primary reference discloses the claimed invention with the exception of the use of a latex (claim 12) and open cell foam material (claim 22) in the cellulosic product. Isgur et al discloses (see EXAMPLE 4) combining an open cell foam material with paper pulp; and further teaches (col. 3, line 29) the use of a latex in the formation of this fibrous foam product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the latex and open cell foam material of Isgur et al in the formation of the product of Yoshioka et al, in order to obtain the advantages disclosed by this secondary reference for the product of the primary reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars C. Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
February 11, 2001